

EPSTEIN
BECKER
GREEN

Attorneys at Law

Melissa L. Jampol
t 212.351.4760
f 212.878.8600
MJampol@ebglaw.com

Granted. The parties are directed to file Dkt. Nos. 173-1 and 173-3 publicly in redacted form and the Clerk of Court is respectfully requested to unseal Dkt. No. 173-2.

SO ORDERED.

Dated: September 27, 2024



LEWIS J. LIMAN
United States District Judge

September 20, 2024

VIA ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl St. Room 15C
New York, NY 10007

Re: United States of America et al. v. LabQ Clinical Diagnostics LLC et al., Civil Action
No. 1:22-cv-10313; 1:22-cv-00751

Dear Judge Liman:

Defendants LabQ LLC, Dart Medical Laboratory, Community Mobile Testing, Inc., and Moshe Landau (collectively “Defendants”) respectfully submit this joint letter, pursuant to Your Honor’s Individual Practices in Civil Cases 2(H) along with Fed. R. Civ. P. 5.2, for approval to redact two documents attached as temporarily sealed exhibits to United States’ Supplemental Application for Prejudgment Remedies (ECF 172). Pursuant to the United States’ Letter Motion to Seal, (ECF 170), the government requested that three documents (ECF 173-1, 173-2, 173-3) be maintained under seal temporarily so that the parties could meet and confer on whether Defendants would claim that any information should remain under seal. *See* ECF 175 (taking ECF 170 under advisement).

Defendants have reviewed the documents under seal and have conferred with the United States via email. Defendants respectfully request that the Court enter an Order unsealing two of the exhibits (ECF 173-1, 173-3) with specific redactions for the reasons discussed below. Defendants do not take a position on the remaining exhibit. (ECF 173-2).

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Basis for Request to Redact Confidential Banking Information.

Defendants request that check numbers, account numbers, and routing numbers included in ECF 173-1 (“5407 Account Statement”) be redacted as Defendants have a strong interest in maintaining the confidentiality of this confidential bank account information. Redaction is warranted to protect Defendants and unrelated third parties from commercial harm and preserve the strong privacy interests in these documents. *See United States v. Akhavan*, 532 F. Supp. 3d 181, 188 (S.D.N.Y. 2021) (ordering bank records to be redacted because “the interest of the affected individuals and entities in preventing public access to their sensitive personally identifying information and bank records outweighed the especially strong common law presumption of access, and... redaction of such information was essential to preserve higher values and was narrowly tailored to serve those interests.”) (internal quotation omitted). Defendants understand that the United States does not object to this request. For the reasons set forth above, Defendants respectfully request that the Court enter an order redacting this exhibit as proposed in the attached version.

Basis for Request to Redact Third-Party Information.

Certain Properties listed in ECF 173-3 involve properties that are in contract. Defendants request that the identity of individuals involved with the properties in contract be redacted. These are pending transactions and not public. Redacting such third-party information would be consistent with this Court’s previous ruling redacting third-party information from previously sealed exhibits. (*See* ECF 104). The proposed redactions are attached as an exhibit. Defendants understand that the United States does not take a position with respect to this redaction request.

We note that unsealing ECF 173-1 and ECF 173-3 serves to secure public access to the judicial system by granting access to the content of the exhibits, while redacting sensitive banking information and the identities of the individuals involved with properties in contact guarantees the personal privacy and financial propriety information of both Defendants and individuals unrelated to this case.

We thank the Court for its time and attention to this matter and remain available should Your Honor require additional information.

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Respectfully Submitted,

EPSTEIN BECKER & GREEN, P.C.

/s/Melissa L. Jampol
Melissa L. Jampol
Elena M. Quattrone
875 Third Avenue
New York, NY 10022
Telephone: (212) 351-4500
mjampol@ebglaw.com
equattrone@ebglaw.com

Carrie Valiant
1227 25th Street NW, Suite 700 |
Washington, DC 20037
Telephone: (202) 861-0900
cvaliant@ebglaw.com

Attorneys for Community Mobile Testing

DECHERT LLP

/s/ Andrew J. Levander
Andrew J. Levander
Jonathan R. Streeter
Vishan J. Patel
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
Telephone: (212) 698-3500
Facsimile: (212) 698-3599
andrew.levander@dechert.com
jonathan.streeter@dechert.com
vishan.patel@dechert.com

D. Brett Kohlhofer
1900 K Street, NW
Washington, D.C. 20006
Tel.: (202) 261-3300
Fax: (202) 261-3333
d.brett.kohlhofer@dechert.com

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*Attorneys for Defendants LabQ and Dart
Medical Laboratory*

ABELL ESKEW LANDAU LLP

/s/ David M. Eskew

David M. Eskew

Scott R. Landau

Scott Glicksman

256 Fifth Avenue, 5th Floor

New York, NY 10001

Telephone: (646) 970-7340

deskew@aellaw.com

slandau@aellaw.com

sglicksman@aellaw.com

Attorneys for Moshe Landau

Enclosures
(Proposed Redactions for ECF 173-1, 173-3).

CC: All counsel of record via ECF